



**TOWN OF UXBRIDGE
BOARD OF SELECTMEN
Town Hall Room 102
21 South Main Street
Uxbridge, MA 01569-1851
508-278-8600 Fax 508-278-8605
town.manager@uxbridge-ma.gov**

**Jill R. Myers
Town Manager**

MEMORANDUM

TO: Honorable Board of Selectmen

FROM: Jill R. Myers, Town Manager

DATE: September 22, 2006

SUBJECT: Town Manager's Report for the BOS Meeting of September 25, 2006

Follow-up from BOS Meeting of 9/11: The statement from the Board of Health concerning EEE was added to the Town website. I also notified Town Committees and Boards that the streamlining permitting process is moving forward and that an article has been placed on the FATM warrant.

Lavallee Land Purchase Update: I spoke with Mr. Lavallee on 9/20 and we had hoped to schedule a meeting this week. We will touch base on 9/25. Town Counsel contacted Attorney Cove this week as well.

B.J.'s Warehouse Truck Issues: According to an email I received from the Town Planner on 9/21/06, the issues are now resolved. Chief Freitas and Floyd Forman spoke with Jeff Parsons at B.J.'s. Long haul truckers who arrive, up to two days ahead of their appointment time, are allowed to queue on B.J.'s property. There is no reason for any truck to be parked for any length of time offsite. Any drivers/trucks who do not comply may be dealt with strictly, as a police matter.

Zoning violations/complaints: My office received a complaint from a resident on Blackstone Street concerning 562 Blackstone Street. The complainant stated that the property owner at 562 Blackstone Street was mixing chemicals in his basement and selling and fixing up cars on his property. The Building Inspector, along with the State Building Inspector, made an inspection on 9/21/06 and did not identify any violations, junk cars or chemicals.

My office also received an anonymous complaint concerning motocross use off the end of Bailey Street. Chief Freitas responded that he forwarded this complaint to the Sergeants to investigate and that the Public Safety Committee is in the process of working on a town land use policy.

Marla Zeneski came forward with a complaint concerning a ZBA policy dating back to 5/1/02 which requires the Building Inspector to direct all non-conforming lots to the ZBA for a hearing

and decision. Ms. Zeneski stated that there is no basis in MGL for such a policy. ZBA Chairman Ernie Esposito reviewed the issue with Judith Cutler from Kopelman and Paige when she visited the Town on 9/21/06 on unrelated business. Attorney Cutler stated that this is appropriate practice and cited Chapter 40A Section 6 of MGL which states "Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority designated by ordinance or bylaw that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood." Attorney Cutler stated that the only change that could be legally made to the current practice being followed is that the ZBA could consider offering a reduced fee to those brought before them due to this section of the law.

Blanchard Project: A meeting with the Architect took place on 9/18. The Blanchard Committee has requested a time slot on the next BOS agenda to discuss their recommendations and provide the BOS with an update as to their progress. We also received the written determination from OSHA.

Fall Town Meeting: The Warrant closed on 9/22 at 4:00 p.m. I anticipate having the final Warrant ready to sign at the BOS meeting scheduled for 10/10/06.

Meeting with the Finance Committee: The Finance Director and I met with the Finance Committee on Tuesday, September 19th. At that time, we presented them with a draft warrant and matrix of articles received to date. We also noted that the BOS had requested that I mail out postcards or warrants for the FATM and SATM, however funding was not appropriation. I will provide a cost estimate to them for their next meeting and then request a Reserve Fund Transfer.

Upper Town Hall: The School Department is continuing to settle in. Phones are now operational and their numbers have not changed.

The Habitat: Town Counsel Jonathan Silverstein provided a written opinion on the Habit for Soccer & Sports. This report is attached. In his opinion, Attorney Silverstein believes that the Building Inspector has correctly determined that use of the structure as an indoor "recreation center" is protected by the six-year statute of limitations set forth in the Massachusetts Zoning Act. He also feels that the Zoning Board of Appeals could properly determine, upon petition by the property owner, that indoor recreational uses similar to those specifically listed are permitted in the Industrial Zone.

Budget Preview: A Budget Preview meeting has been scheduled for Saturday, September 30th from 9-10:30 in the Police Station Training Room.

Audit Presentation – FY05: The auditors provided their report and will highlight it at the BOS meeting on 9/25. A copy of the report had been previously provided. Please let my office know if you need a copy.

Attachments